

AMENDED IN ASSEMBLY APRIL 25, 2000

AMENDED IN ASSEMBLY APRIL 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2615

Introduced by Assembly Member Rod Pacheco
*(Coauthors: Assembly Members Briggs, Correa, Firebaugh,
Honda, Knox, and Pescetti)*

February 25, 2000

An act to amend Section 21541 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2615, as amended, Rod Pacheco. Public employees' retirement: special death benefits.

The Public Employees' Retirement Law provides for a preretirement special death benefit that is calculated, in part, as a fraction of the deceased member's final compensation at the time of the injury or disease causing death.

This bill would provide that, for purposes of calculating or recalculating the special death benefit, as specified, the deceased member's final compensation shall be deemed to increase when the compensation is increased for his or her final job classification and membership category, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21541 of the Government Code
2 is amended to read:

3 21541. The special death benefit consists of the
4 following:

5 (a) An amount equal to and derived from the same
6 source as the basic death benefit exclusive of the
7 contributions from which the annuity provided under
8 subdivision (d) is paid.

9 (b) An amount sufficient, when added to the amount
10 provided under subdivision (a), to provide, when applied
11 according to tables adopted by the board, a monthly
12 death allowance equal to one-half of his or her final
13 compensation in the membership category applicable to
14 him or her at the time of the injury, or the onset of the
15 disease, causing death, as adjusted pursuant to
16 subdivision (e), which amount shall be payable to the
17 surviving spouse to whom he or she was married either
18 continuously for at least one year prior to death, or prior
19 to sustaining the injury or disease resulting in death, as
20 long as the surviving spouse lives; or, if there is no
21 surviving spouse or if the spouse dies before all children
22 ~~of the deceased member attain age 22, to his or her~~
23 ~~children under 22 collectively until every child shall have~~
24 ~~died, married, or attained age 22. However, no child shall~~
25 ~~of the deceased member attain the age of 22 years, to his~~
26 ~~or her children under the age of 22 years collectively until~~
27 ~~every child shall have died, married, or attained the age~~
28 ~~of 22 years. However, no child shall receive any part of the~~
29 ~~allowance after marrying or attaining age 22 the age of 22~~
30 ~~years.~~

31 (c) During the lifetime of the surviving spouse, an
32 additional percentage of the death benefit allowed by this
33 section, exclusive of the annuity under subdivision (d),
34 shall be paid to the spouse of a member who is killed in
35 the performance of his or her duty or who dies as a result
36 of an accident or an injury caused by external violence or
37 physical force, incurred in the performance of his or her
38 duty, for each of his or her children during the lifetime of

1 the child, or until the child marries or reaches the age of
2 22 *years*, as follows: for one child, 25 percent; for two
3 children, 40 percent; and for three or more children, 50
4 percent.

5 (d) An annuity that is the actuarial equivalent,
6 assuming monthly payments for life to the surviving
7 spouse, of the deceased's accumulated additional
8 contributions at the date of his or her death, plus his or her
9 accumulated contributions at that date based on
10 compensation earned in any membership category other
11 than the category applicable to him or her at the time of
12 the injury, or the onset of the disease, causing death.

13 (e) For purposes of this section only, the deceased
14 member's final compensation shall be deemed to
15 increase, and the death benefit under subdivision (b)
16 shall be increased correspondingly, at any time and to the
17 extent the compensation is increased for then-active
18 members employed in the job classification and
19 membership category that was applicable to the
20 deceased member at the time of the injury, or the onset
21 of the disease, causing death. The deceased member's
22 final compensation shall be deemed to be subject to
23 further increases hereunder only until the earlier of (1)
24 the death of the surviving spouse or (2) the date that the
25 deceased member would have attained the age of 50
26 years.

27 If

28 (f) *If* the surviving spouse does not have custody of the
29 member's children, the additional amount payable
30 pursuant to this section shall be payable to the person
31 having custody of the children for each child during the
32 lifetime of the child, or until the child marries or reaches
33 the age of 22 *years*.

34 The computation for time prior to entering the
35 membership category applicable to the deceased at the
36 time of the injury, or the onset of the disease, causing
37 death shall be based on the compensation earnable by
38 him or her in the position first held by him or her in that
39 category.

1 “Spouse,” for purposes of this section, means a wife or
2 husband.

3 This section shall apply to all contracting agencies and
4 to the employees of all contracting agencies.

5 Any child whose eligibility for an allowance pursuant to
6 this section, commenced on or after October 1, 1965, shall
7 lose that eligibility effective on the date of his or her
8 adoption.

9 ~~(f)~~

10 (g) The amount of the death benefit payable pursuant
11 to this section on and after January 1, 2001, with respect
12 to any member who died prior to that date, shall be
13 recalculated on and after that date pursuant to
14 subdivision (e).

